

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: CV 15-03764-AB (AJWx)

Date: October 30, 2015

Title UM Corporation v. Tsuburaya Productions Co. Ltd.

Present: The Honorable ANDRÉ BIROTTE JR.

Cheryl Wynn
Relief Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

None Appearing

Attorneys Present for Defendants:

None Appearing

**Proceedings: [In Chambers] Order To Show Cause Regarding Dismissal of
Counterclaim for Lack of Prosecution**

On October 6, 2015, Defendant and Counterclaimant Tsuburaya Productions Co. Ltd. filed a Proof of Service indicating that it served its counterclaim on Counterdefendant Ultraman USA, Inc. on September 25, 2015, with an answer due October 16, 2015. Dkt. No. 29.

In the present case, it therefore appears that one or more of the following time periods has not been met:

- Counterdefendant Ultraman USA, Inc. did not answer the counterclaim, yet Counterclaimant has failed to request entry of default, pursuant to Fed. R. Civ. P. 55(a).

Accordingly, the Court, on its own motion, ORDERS Counterclaimant Tsuburaya Productions Co. Ltd. to show cause, in writing, on or before **November 16, 2015**, why its counterclaim against Ultraman USA, Inc. should not be dismissed for lack of prosecution. *See Link v. Wabash R. Co.*, 370 U.S. 626 (1962) (Court has inherent power to dismiss for lack of prosecution on its own motion).

Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of Counterclaimant's response. Counterclaimant can satisfy this Order by seeking entry of default or by dismissing its counterclaim against Ultraman USA, Inc. Failure to respond to this Order to Show Cause will be deemed consent to the dismissal of the counterclaim against Ultraman USA, Inc.

IT IS SO ORDERED.